

**ORDINANCE NO. 2013-32**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 62 ENTITLED "PARKS AND RECREATION" OF THE CODE OF ORDINANCES, AND IN PARTICULAR, REVISING HIALEAH CODE § 62-21 ENTITLED "ALCOHOLIC BEVERAGES; INTOXICATED PERSONS" TO ALLOW THE POSSESSION, CONSUMPTION AND SALE OF BEER, WINE AND ALCOHOLIC BEVERAGES AT MILANDER CENTER AT CITY-SPONSORED AND CITY APPROVED EVENTS SUBJECT TO THE RULES AND REGULATIONS CONCERNING THE USE OF THE FACILITY AND FURTHER ALLOW THE SALE OF BEER AND WINE ONLY AT OTHER RECREATION FACILITIES SUBJECT TO CITY COUNCIL APPROVAL; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the purpose and intent of this ordinance to allow the possession, consumption and sale of beer, wine and alcoholic beverages at city-sponsored and city-approved events at the Milander Center subject to the rules and regulations concerning the use of the facility; and

**WHEREAS**, the opening of the new Milander Center as a full-service catering and exhibition center will enhance the quality and expand the range of municipal services provided to the community and creating opportunities to market and advertise the City of Hialeah to the larger business and professional community within and outside the City limits; and

**WHEREAS**, the purpose and intent of this ordinance will allow the possession, consumption and sale of beer and wine only subject to City Council approval at other municipal recreation facilities in connection with sporting events and city-sponsored activities.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** Chapter 34 entitled "Elections" of the Code of Ordinances of the City of Hialeah, Florida, by revising Hialeah Code § 34-2 entitled "Qualifying period for mayor and councilmembers", is hereby amended to read as follows:

Chapter 62

**PARKS AND RECREATION**

\* \* \*

**Sec. 62-31. Alcoholic beverages; intoxicated persons.**

- (a) No person, group or organization shall possess, consume sell or offer to possess, consume or sell any alcoholic beverages on any park, playground, pool or recreation center of the center, with the exception of the ~~municipal auditorium~~ Milander Center, which will allow the possession, consumption or sale of beer, wine and alcoholic beverages in connection with city-sponsored or city-approved events subject to rules and regulations concerning the use of the facility, and beer only and at such other recreation facilities within the city at or on which:
- (b) Beer and wine may be possessed, consumed or sold at other recreation facilities of the city subject to the following approval:
  - (1) Professional sport teams are conducting activities pursuant to a use agreement approved by the city council; or
  - (2) ~~City-sponsored activities are taking place and for which the city council has specifically approved beer and/or wine possession, consumption or sale, and only at any of these facilities when such possession, consumption or sale complies with state law and city ordinances. in accordance with state statues and city ordinances.~~
- (~~b~~c). No intoxicated person will be permitted entry to any area operated by the parks and recreation and community services department, and if such person is discovered therein, the person will be ejected forthwith.

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 3: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4: Inclusion in Code.**

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered, as appropriate, to conform to the uniform numbering system of the Code.

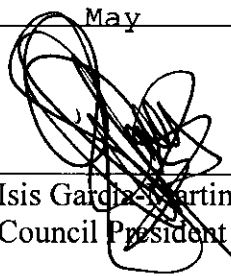
**Section 5: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 6:     Effective Date.**

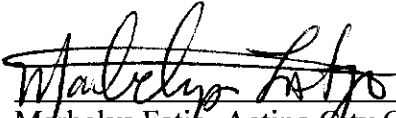
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 28 day of May, 2013.

  
\_\_\_\_\_  
Isis Garcia-Martinez  
Council President

Attest:

Approved on this 31 day of may, 2013.

  
\_\_\_\_\_  
Marbelys Fatjo, Acting City Clerk

  
\_\_\_\_\_  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".

**CITY OF HIALEAH  
CITY ATTORNEY'S OFFICE**

**MEMORANDUM**

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**TO:** Mayor Carlos Hernandez, and  
Members of the Hialeah City Council

**FROM:** William M. Grodnick, City Attorney *wmg*

**DATE:** April 30, 2013

**RE:** Proposed ordinance-Allowance of possession, consumption and sale of  
alcoholic beverages, beer and wine at Milander Center

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In conjunction with the opening of a new Milander Center as a full-service catering and exhibition center, the City proposes to provide at City-sponsored and City-approved events, the possession, consumption and sale of alcoholic beverages, beer and wine subject to the rules and regulations concerning the use of the facility. In addition, the proposed ordinance will allow, subject to Council approval, beer and wine possession, consumption and sale for other City-sponsored activities and sporting events at other locations. The Hialeah Code for years had allowed the possession, consumption and sale of beer at sporting events and other activities and beer and wine at the Milander Auditorium.

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*1st Reading  
May 14.  
Park &  
Recreation and Edu.  
Community services.*